

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
October 6, 2010  
7:30 P.M.  
Room 206, Town Hall

Chairman Hillman called the meeting to order at 7:30 P.M

Commission Members Present: Peter Hillman, Michael Tone, Craig Flaherty, Pete Kenyon, Rick Rohr

Staff Present: Jacobson

Court Reporter: Fazekas

Recorded by Channel 79

Mr. Hillman called the first agenda item:

EPC-27-2010, Janice Qualben Shand, 15 Shagbark Road, proposing to replace driveway culvert with bridge, utility crossing, deer fencing, and landscaping within a regulated area and upland review area.

Aleksandra Moch, Wetland Scientist represented the applicant. She introduced Doug DiVesta, P.E., and Peter Cummin, Landscape Architect.

Ms. Moch reviewed the new information submitted regarding the deer fence. She provided a sample of the wire to be used for the fence. She also provided examples of similar fences used in wetland areas in other towns.

Mr. Tone said he was satisfied with the new materials submitted regarding the fence.

Mr. Rohr asked why the fence could not be white as a more visible alternative.

Mr. Cummin said they would prefer black because a white fence would be more visible to neighbors. He said the deer would not have a straight run at the fence because it is in a wooded area.

Mr. Hillman asked Mr. DiVesta if his opinion was that there would be no impact on flooding from the fence. Mr. DiVesta confirmed that in his opinion there would be no impact.

Mr. Hillman asked about maintenance of the fence. Mr. Divesta said the fence should be inspected in the spring and fall and after every storm.

Mr. Flaherty made a motion to approve the application. Mr. Tone seconded the motion and it passed 4 to 1. Mr. Rohr was opposed.

Mr. Hillman called the next agenda item:

EPC-29-2010, Steve & Mary Zamsky, 15 Half Mile Road, proposing driveway modifications and terrace construction in an upland review area.

Brandon Jones, Glen Gate Company, represented the applicant. He reviewed the revised plans and said they provided an engineering report. He introduced Steve McAllister, P.E. who provided the Commission with plans for the rain garden.

Mr. Hillman asked if they considered Mr. Flaherty's suggestion of additional mitigation, such as more pervious coverage or more plantings

Mr. Jones said they had not and considered the addition of 2,900 sq. ft. of plantings in the rain gardens compared with the new impervious surface to be adequate.

Mr. McAllister said the rain gardens are designed to accommodate and reduce slightly the 2-50 year storm events.

Mr. Flaherty said he is comfortable with the additional detail and engineering provided.

Mr. Hillman asked if the rain gardens would provide some additional water quality benefit. Mr. McAllister said yes.

Mr. Tone asked where the new field drains would be directed. Mr. McAllister said they would be directed to daylight.

Mr. Rohr asked them to modify the detail of the backfill from 2'0" to 6" maximum size. He made a motion to approve the application with that stipulation. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item:

EPC-27-2009, Timothy & Diane Welch, 181 Hoyt Street, requesting amendment to allow shed in an upland review area.

Mr. Welch represented himself.

Mr. Hillman said he had no problems with the proposed shed.

Mr. Tone made a motion to approve the amendment. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman called the following agenda item:

EPC-37-2010, Country Club of Darien, 300 Mansfield Road & M. David & Marianne Magnotta, 215 Brookside Road, proposing driveway construction in a regulated area.

Attorney Jacqueline Olschan Kauffman represented the applicants.

Mr. Hillman said the application was significant and would warrant a public hearing.

Mr. Kenyon asked them to consider pervious pavement alternatives.

Mr. Tone asked them to clarify whether the wetland creation area would be part of the conservation easement.

Mr. Flaherty asked for the centerline of the proposed driveway to be staked.

Mr. Rohr asked for information about salt use during the snow season.

Mr. Tone asked for more detailed information about the increase in commercial traffic alluded to in the application, including frequency and types of vehicles.

The Commission scheduled a public hearing for November 3, 2010.

Mr. Hillman called the following agenda item:

EPC-33-2010, Anders & Carolyn Hurst, 2 Tanglewood Trail, proposing demolition of existing residence and new house construction within an upland review area.

There was no representative for the applicant.

The Commission determined that the application warrants a public hearing and scheduled the hearing for November 3, 2010.

The Commission requested the applicant consider permeable paving alternatives. They also requested information regarding tree removal, and a planting plan for the rain garden and the property.

Mr. Hillman called the next agenda item:

EPC-34-2010, Karen & Geoffrey McNicoll, 43 Salisbury Road, proposing a generator in an upland review area.

Mr. McNicoll represented himself. He said the generator will be behind the garage approximately 20' from the wetland.

Mr. Hillman said he thought the location was good for a generator.

Mr. Rohr asked if the propane tank would be above ground. Mr. McNicoll said yes. Mr. Hillman made a motion to approve the application. Mr. Tone seconded the application. The motion passed 4-0. Mr. Flaherty abstained.

Mr. Hillman called the next agenda item:

EPC-26-2010, Rodney & Kimberly Miller, 326 Hollow Tree Ridge Road, requesting amendment to change pool design.

There was no one representing the applicant. The Commission continued the item until Nov. 3.

Mr. Hillman called the next agenda item:

EPC-36-2010, Dmitry Melnick, 2572 Boston Post Road, proposing to retain stone wall installed in and upland review area, and install plantings in an upland review area.

Tom Strassa, Contractor, represented the applicant. He said the owner was not aware of the need for a wetland permit for the wall and did not intentionally violate the regulations.

Mr. Hillman noted that staff recommended the wall be allowed to remain as a buffer to the wetland vegetation on site.

Mr. Hillman made a motion to approve the wall. Mr. Tone seconded the motion and it passed unanimously.

The Commission considered the vegetation clearing and the proposed path.

Mr. Hillman asked if they were asking for approval for the dock at this time. Mr. Strassa said no.

Mr. Strassa asked for permission to plant in the spring.

Mr. Hillman made a motion to approve the proposed planting and path to be done in the spring. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item:

EPC-39-2010, Robin & Susan Hayes, 6 Tanglewood Trail, proposing porch construction outside the upland review area as delineated by a soil scientist.

Ms. Jordan represented herself. She said they retained a soil scientist who delineated the wetland and a surveyor to show the wetland on the plan.

Mr. Hillman noted that the work proposed is outside the regulated area as determined by the soil scientist and the Town map will be corrected the next time the map is amended.

Mr. Hillman made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item:

EPC-38-2010, Holly Hurd, 106 Stephen Mather Road, proposing terrace construction within an upland review area.

Mrs. Hurd represented herself. She said they are proposing to extend the patio and construct a seating wall approximately 100 feet away from the edge of the wooded area on the property.

Mr. Flaherty asked if they had done some wetland restoration for a previous application. Ms. Hurd said yes, in the front of the property.

Mr. Hillman asked what type of trees would be planted. Ms. Hurd said wetland trees. Mr. Hillman requested she consult with staff before planting.

Mr. Hillman made a motion to approve the application. Mr. Rohr seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item:

EPC-40-2010, Andrew & Elizabeth Benenson, 33 Stony Brook Road, proposing to maintain a fence installed in a regulated area.

Ms. Benenson represented herself. She said they did not know a permit was required for the fence. They have ripped out the fence in the rear and would like to keep the front yard fence for less than a year.

Mr. Flaherty asked about the flood plain on the property. Mr. Jacobson said the flood maps show the floodplain in the backyard only.

Mr. Rohr made a motion to approve the front yard fence with the stipulation that it be removed by October 1, 2011. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item:

Flood Mitigation Committee Recommendations Review of recommendations and possible endorsement by Environmental Protection Commission

Mr. Flaherty said the Committee was looking for an official endorsement from the EPC.

After discussion, the Commission decided that Mr. Hillman will draft a letter endorsing the recommendations for circulation to the members.

Minutes of September 1, 2010: Mr. Kenyon made a motion to approve the minutes. Mr. Tone seconded the motion and it passed 4-0. Mr. Hillman abstained.

Mr. Tone made a motion to adjourn. Mr. Rohr seconded the motion and it passed unanimously. The meeting adjourned at 9:55 P.M.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer